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JUDGE REFUSES TO DISMISS CHARGES IN COCAINE TRAFFICING CASE  
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ATLANTA

A federal judge refused Monday to dismiss an indictment charging 30 people with operating what prosecutors contend was the nation's "largest cocaine trafficking ring," believed to have smuggled in at least five tons of cocaine.

Defense lawyers seeking dismissal of the charges accused federal prosecutors of misconduct because of a Sunday newspaper article previewing the trial that included a quote from an unidentified prosecutor.

U.S. District Judge G. Ernest Tidwell overruled the dismissal motions and also refused to postpone the trial because of the article. But he told prosecutors he was "astounded" that it happened and warned them not to repeat the error in the future.

Tidwell also issued a gag order prohibiting attorneys, witnesses and defendants in the case from discussing any aspect of it with the news media.

The article, published in The Atlanta Journal and The Atlanta Constitution, quoted the unnamed prosecutor describing as "horse manure" a contention by defendant Harold Rosenthal's lawyer that he had government permission for his smuggling activities because he was acting as a CIA agent in Colombia.

Rosenthal, accused of being the mastermind behind the cocaine ring, was one of 18 defendants named in the January indictment who were in court Monday for pre-trial hearings. Eleven of those indicted still have not been apprehended. There was no indication why the 30th defendant was not in court.

The defendants are accused of smuggling cocaine from September 1981 until last January.

After Tidwell refused to dismiss the charges, James M. Deichert, a special attorney from the government's organized crime task force, began calling witnesses to establish the admissibility of evidence obtained by government wiretaps on two Dallas, Ga., telephones in 1983.

The hearings on the wiretap evidence, as well as other pre-trial motions filed by the 18 defendants, were expected to delay jury selection for the trial until early next week.

Federal authorities have said they consider Rosenthal as escape risk. FBI agents announced in February that they had intercepted letters he wrote in his cell at the Atlanta Federal Penitentiary that detailed plans for an elaborate escape attempt, including the use of a hired commando squad.

Rosenthal was an escapee from a federal prison in Memphis, Tenn., when he was arrested last fall in Colombia by U.S. agents and Colombian authorities. He was apprehended while he sat in his car in a traffic jam in Bogota.

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